IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITIOIN NO. 6881 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.B. Borkar for the petitioner.
Mr. Vijay Patil for respondent 1.
Mr. N.J. Patil for respondent 2.

CORAM : ANOOP V. MOHTA, J.
DATE : 05.12.2005

. Heard. By present writ petition a challenge is made to the order dated 15/9/2003, whereby 3rd party i.e. a Society has been directed to add as a party in the suit whereby. The premises in question is of the society-applicant i.e. 3rd party in question. The learned Counsel appearing for the petitioner has relied on the decision in (Jivanlal Damodardas Wani V. Narayan Ukha Sali) (AIR 1972 Bombay 148) in reference to the order 1 Rule 10 of C.P.C.. The judgment

has considered the aspect of necessary party. In the present case, considering the application Exh.35 and the averments made therein and even as contended by the petitioner, 3rd party may not be the necessary party. The Court has rightly come to the conclusion that the presence of the party itself is necessary for the proper adjudication of the suit. Such interested party, be added as defendant in such proceeding. In the present case, I am also of the view that the society is a party interested in such dispute. Considering this, there is nothing in the writ petition. Writ Petition is dismissed.

. Parties concerned to act on the simple copy of this order, duly authenticated by the P.A./Court Sheristedar of this Court.

(ANOOP V.MOHTA,J.]